

**COURT OF THE LOK PAL (OMBUDSMAN),
ELECTRICITY, PUNJAB,
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,
S.A.S. NAGAR (MOHALI).**

**(Constituted under Sub Section (6) of Section 42 of
Electricity Act, 2003)**

APPEAL No. 45/2022

Date of Registration : 23.08.2022

Date of Hearing : 06.09.2022

Date of Order : 06.09.2022

Before:

**Er. Gurinder Jit Singh,
Lokpal (Ombudsman), Electricity, Punjab.**

In the Matter of:

Smt. Kiranjeet Kaur,
H. No.2790, Old Sunny Enclave,
Sector-125, Desumajra,
Near Amazon Tower,
Kharar-140301, Punjab.

Contract Account Number: 3005644628(DS)

...Appellant

Versus

Addl. Superintending Engineer,
DS Division, PSPCL,
Kharar.

...Respondent

Present For:

Appellant: Smt. Kiranjeet Kaur,
Appellant.

Respondent : (i) Er. Aman Gupta,
Sr. Executive Engineer,
DS Division, PSPCL,
Kharar.
(ii) Sh. Lalit Kumar, RA.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 28.07.2022 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CGP-391/2021 (Old)/ CF-029/2022 (New) deciding that:

“The decision of DLDSC/DS Division, Kharar, taken in its meeting held on dated 18.10.2021, is upheld.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 23.08.2022 i.e. within the period of thirty days of receipt of the decision dated 28.07.2022 of the CCGRF, Ludhiana in Case No. CGP-391/2021 (Old)/ CF-029/2022 (New). The Appellant deposited the requisite 40% of the disputed amount vide Receipt No. 184859103 dated 23.08.2022 for ₹ 13,000/-. Therefore, the Appeal was registered on 23.08.2022 and copy of the same was sent to the Addl. SE/ DS Division, PSPCL, Kharar for sending written reply/ parawise comments with a copy to the office of the Corporate CGRF, Ludhiana under intimation to the Appellant vide letter nos. 914-16/OEP/ A-45/2022 dated 23.08.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 06.09.2022 at 11.30 AM and intimation to this effect was sent to both the parties vide letter nos. 933-34/OEP/A-45/2022 dated 29.08.2022. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

4. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral deliberations made by the Appellant's Representative and the Respondent along with material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

The Appellant made the following submissions in its Appeal for consideration of this Court:-

- (i) The Appellant was having a DS Category Connection bearing Account No. 3005644628 with sanctioned load of 8.00 kW under DS Division, PSPCL, Kharar.
- (ii) The Appellant had filed the present Appeal seeking relief against decision of the Corporate Forum dated 28.07.2022 vide

which the Forum dismissed the Appeal of the Appellant in very hot and haste manner.

- (iii) The brief fact of the Appeal was that earlier the Appellant had Domestic Single Phase electric connection in her home having old Account No. 3004873698.
- (iv) The Appellant's electricity bill from period 21.10.2018 to 20.06.2020 used to come between ₹ 8,000/- to ₹ 10,000/- approximately on average for every billing cycle and the Appellant had paid the entire bills.
- (v) In the month of June, 2020; the Appellant intended to increase the electricity load of her house. As such, the Appellant applied for 3 Phase electricity connection with the Respondent and also deposited the requisite security with the Respondent.
- (vi) The 3 Phase electric meter was installed in the house of the Appellant with new consumer Account No. 3005644628.
- (vii) The Appellant was surprised to see the first bill generated by the Respondent for the consumption of units of the house of the Appellant for the period of 26.06.2020 to 27.08.2020 which came to ₹ 30,530/-. The total units consumed for this cycle shown in the electricity bill were 3335 for 62 days.
- (viii) The Appellant immediately lodged the complaint with the Respondent on 31.08.2020 for the excess and incorrect bill,

which was three times higher than earlier bills after the installation of new meter from Single Phase to Three Phase, which was beyond the expectations and usage of the Appellant.

- (ix) Thereafter, the officials of the Respondent visited the house of the Appellant but they didn't show any interest to check the bill or the new electricity meter installed in the house of the Appellant.
- (x) The Appellant was regularly requesting the Respondent through her husband Sh. Kamaljeet Singh to correct the bill of the Appellant. Sh. Kamaljeet Singh also lodged the complaints with the Respondent through e-mails on 20.10.2020 and 30.10.2020 but the Respondent did not pay any heed to the requests of the Appellant and her husband.
- (xi) Thereafter, feeling no other alternative, the Appellant gave an application to the Respondent to check the electricity meter and also furnished her self-declaration.
- (xii) It was pertinent to mention that after disputed cycle, the new billing cycle got also generated for the house of the Appellant and at that time total consumption of electric units were only 1653 for 54 days from 27.08.2020 to 20.10.2020. The total consumption of new meter came to precious average consumption.

- (xiii) The total units consumption of the house of the Appellant for the period 20.10.2020 to 21.12.2020 for 62 days were 1000 units, for the period 21.12.2020 to 23.02.2021 for 64 days were 1308 units, for the period 23.02.2021 to 20.04.2021 for 56 days were 999 units, for the period 20.04.2021 to 22.06.2021 for 63 days were 1538 units, which clearly suggested that the average units consumption of the house of the Appellant was nearby 1000 units approx. for every billing cycle.
- (xiv) The electricity meter of the Appellant was sent to ME Lab for its checking and another electric meter was installed in the house of the Appellant.
- (xv) Again the first bill generated by the new replaced meter was on very higher side and beyond the average consumption units, which was for 3236 units for 62 days for the period 22.06.2021 to 23.08.2021.
- (xvi) The Respondent formed the Dispute Settlement Committee, who informed the Appellant and her husband vide letter no. 2713 dated 29.09.2021 to be present on 19.10.2021 for hearing of the complaint but husband of the Appellant was out of India at that time and he requested the Committee to adjourn the matter in first week of November, 2021, as he was unable to come on said date due to his Job but the Dispute Settlement

Committee passed the order dated 19.10.2021 in absence of the Appellant and her husband, in a very arbitrary manner and without getting the actual information about the dispute and without going through the entire complaint of the Appellant, which was totally illegal, null & void and against the principles of natural justice.

- (xvii) The Dispute Settlement Committee on 19.10.2021 passed the impugned order and ordered to recover the amount of ₹ 70,530/- from the Appellant.
- (xviii) The Appellant never defaulted in making the payment of bills at any of time and regularly made the payments. The Appellant had also deposited the average payments after lodging the formal complaint regarding excess and incorrect bills from time to time.
- (xix) It was pertinent to mention here that after change of electric connection from Single Phase to Three Phase connection, only first bill of both meters came to very higher side and beyond the average consumption of the Appellant and the Respondent had failed to check the actual defect and to satisfy the Appellant. The Dispute Settlement Committee failed to appreciate the facts and documents of the Appellant and passed the impugned order.

- (xx) Again the Appellant being unsatisfied from the decision of DSC, Kharar filed an application before the Forum. But unfortunately the application was transferred from Patiala to Ludhiana without the consent of the Appellant or her counsel.
- (xxi) At Ludhiana, Appellant Case No. CGP-391/21 was fixed for hearing on 02.06.2022 but the Appellant on midday of 01.06.2022 at 12:43 received a Whatsapp text message that the hearing was postponed till further orders.
- (xxii) Likewise, several hearings were scheduled and postponed at the COB hours one day prior to hearing e.g. on 29.06.2022 fixed for 05.07.2022 and on 04.07.2022 again informed that it again adjourned; afterword's on 07.07.2022 @ 03:00 PM, the Appellant was informed that the case was fixed for 08.07.2022; She made an arrangement of Counsel and requested the Forum to adjourn the matter for first week of August as the Appellant's husband would be able to return to India and able to present before the Forum.
- (xxiii) The Appellant's request was denied and the case was fixed on 21.07.2022 and the order was passed against the Appellant without considering the request of the Appellant.

(xxiv) The Corporate Forum failed to appreciate the facts and request of the Appellant and passed the impugned order dated 28.07.2022.

(xxv) The Corporate Forum didn't provide effective opportunity of being heard and to present the case of the Appellant and passed the impugned order dated 28.07.2022 in very hot and hasty manner.

(xxvi) It was pertinent to mention here that as per Commercial Circular No. 21/2022 (As per Deptt. of GoP office Memo No. 02/2022/2016-EB2/469 dated 13.07.2022) Council of Ministers, Government of Punjab in its meeting held on 06.07.2022 issued a notification regarding waiving off the pending arrears as on 31.12.2021 of all Domestic Consumers.

(xxvii) Therefore, the Appellant prayed that keeping in view the above mentioned facts and circumstances, the Appeal may be accepted and the Corporation may be directed to correct the excess/ over charge bill of the Appellant having A/c no. 3005644628 or to work according to the Notification of the State Government regarding waiving off the pending arrears of the Domestic consumers in the interest of justice.

(b) Submissions in the Rejoinder

In its Rejoinder to the written reply of the Respondent, the Appellant submitted the following for consideration of this Court:

- (i) It has been stated in point number 6 of reply that the reading from 26.06.2020 to 27.08.2020 was 0 kWh to 3335 kWh for 65 days and the amount of bill generated was ₹ 30,530/-. It was stated that it was the first bill after the installation of new 8 kW meter. As per previous records of the old meter, the Appellant never got that much hype in her billing cycle. It was the only reason behind challenging her new meter. The Appellant had made the complaint regarding the same on 31.08.2020.
- (ii) After the disputed billing cycle of 26.06.2020 to 27.08.2020, the consumption of the Appellant remained the normal until the next cycle of same month i.e 22.06.2021 to 23.08.2021, which the Appellant had challenged before the concerned authorities.
- (iii) The Appellant for the same period of Year 2022 i.e 28.06.2022 to 25.08.2022 had got a bill of ₹ 16,955/- which clearly showed that there was some technical glitch in the generated bills of the years 2020 sand 2021.

(iv) The Appellant had dispute of two billing cycles as mentioned in paras (i), (ii) and (iii) above and these are covered within the ambit of Commercial Circular No. 21/2022.

(c) Submission during hearing

During hearing on 06.09.2022, the Appellant reiterated the submissions made in the Appeal as well as in the Rejoinder and prayed to allow the same. She pleaded that refund of arrears may also be allowed as per CC No. 21/2022.

(B) Submissions of the Respondent

(a) Submissions in written reply

The Respondent submitted the following written reply for consideration of this Court:-

- (i) The Appellant was having a DS Category Connection, bearing Account No. 3005644628 with sanctioned load of 8.00 kW in her name under DS Division, PSPCL, Kharar.
- (ii) Earlier the electricity connection of the same house was running in the name of Sh. Harpreet Singh under DS Category with sanctioned load of 2.00 kW. This account was permanently disconnected on 29.06.2020.
- (iii) The Appellant applied for new connection on 16.06.2020 for sanctioned load of 8.00 kW. The new connection bearing Account no. 3005644628 was released on 26.06.2020.

- (iv) The first bill issued to the Appellant was amounting to ₹ 30,530/- for the period of 63 days from 26.06.2020 to 27.08.2020 for consumption of 3335 units for the reading from 0 kWh to 3335 kWh on OK code.
- (v) The Appellant's meter was working OK and the meter reading was on OK Code. But the Appellant challenged the working of her meter on 23.12.2020 and the meter was replaced on 07.01.2021 vide MCO no. 100012000102 dated 23.12.2020. The replaced meter was checked in ME Lab vide Challan No. 02 dated 02/2021 where the meter was found OK.
- (vi) After the replacement of the disputed meter of the Appellant, the bill issued to the Appellant for the corresponding period of 62 days from 22.06.2021 to 23.08.2021 for consumption of 3236 units for the readings from 3527 kWh to 6763 kWh on 'O' code, clearly showed that the disputed bill for period 26.06.2020 to 27.08.2020 for 3335 units amounting to ₹ 30,550/- was correct.
- (vii) The Appellant had filed a case in DLDS, Kharar where the Committee checked the DDL Report of the challenged meter and found no Abnormal Reading in the DDL Report. The DLDS decided the case on 18.10.2021 that the amount charged was correct and recoverable from the Appellant.

- (viii) The Appellant's defaulting amount of ₹ 64,259/- was pending as on 27.08.2022.
- (ix) Even after replacing the challenged meter, the Appellant's next year corresponding period consumption was recorded equal to the disputed period, which clearly showed that the disputed bill was correct.
- (x) The Appellant did not agree with the decision passed by the DLDS and filed an Appeal in the CGRF, Patiala which was later transferred to CCGRF, Ludhiana. The Corporate Forum also decided that the amount charged was correct and recoverable from the Appellant. The Appellant herself did not attend any hearing in the Forum.
- (xi) As per Commercial Circular No. 21/2022 of the PSPCL, the Appellant was eligible for waiver of approximately ₹ 16,000/- on account of waiver of her pending arrears as on 31.12.2021.
- (xii) The Respondent prayed that as the disputed bill was correct and recoverable, so the Appeal of the Appellant should be dismissed.

(b) Submission during hearing

During hearing on 06.09.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. The Respondent assured the

Court that necessary refund shall be given as per CC No. 21/2022.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the amount of ₹ 30,530/- charged in bill dated 27.08.2020 for the period of 62 days from 26.06.2020 to 27.08.2020 for consumption of 3335 units.

My findings on the points emerged, deliberated and analysed are as under:

- (i) The Appellant reiterated the submissions made in the Appeal. He pleaded that the Appellant used to receive the electricity bills in the range of ₹ 8,000/- to ₹ 10,000/- approximately for every billing cycle and used to pay the same to the Respondent. The Appellant had got installed 3-Phase electricity meter in her house with new Account No. 3005644628 in the month of June, 2020 and she was surprised to see the first bill generated by the Respondent for the consumption of 3335 units for the period of 62 days from 26.06.2020 to 27.08.2020 to the tune of ₹ 30,530/-. The average consumption of the Appellant for the period from October, 2020 to June, 2021 remained nearly 1000 units per billing cycle. The Appellant had lodged a complaint

with the Respondent on 31.08.2020 for the excess and incorrect bill which was three times higher than the earlier bills after change of meter from single phase to three phase and which was beyond her expectations and usage. The Appellant further pleaded that she had given an application to check her meter and again when new meter was installed the consumption was on very higher side and beyond the average consumption of units, which came to 3236 units for the period of 62 days from 22.06.2021 to 23.08.2021. She requested for the acceptance of the Appeal and waiver of the pending demand of the Respondent.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent argued that the disputed bill dated 27.08.2020 was made on OK Code. But the Appellant had challenged her meter on 23.12.2020 and it was replaced on 07.01.2020 vide MCO No. 100012000102 dated 23.12.2020. The replaced meter was checked in ME Lab vide challan No. 02 dated 02/2021 where accuracy of the meter was found OK. The Appellant had not agreed to it and had filed her case in the DLDC where the Committee checked the DDL Report. The DLDC did not find

any Abnormal Reading in the DDL Report. So the DLDS in its order dated 18.10.2021 decided that the amount charged to the Appellant was correct and recoverable. Then the Appellant approached the Forum, which also decided that the disputed bill was correct and recoverable. He argued that the disputed bill was for 63 days for consumption of 3335 units for the period from 26.06.2020 to 27.08.2020 and after the change of the disputed meter, the same pattern of consumption has been recorded as 3236 units in the corresponding period of the succeeding year for the period 22.06.2021 to 23.08.2021, which proved that the disputed bill of the Appellant was correct and recoverable from the Appellant. He prayed for the dismissal of the Appeal.

- (iii) The Corporate Forum while deciding this case on pages 8 & 9 of its order dated 27.07.2022 had observed as under: -

“Forum observed the consumption data supplied by the Respondent, as under: -

2020			2021		
Date of reading	Cons	Code	Date of reading	Cons	Code
			06.01.21	1318	O
			23.02.21	990	C
			20.04.21	999	O
			22.06.21	1538	O
27.08.20	3335	O	23.08.21	3236	O
20.10.20	1653	O			
			22.12.21	3486	O

Forum observed that the disputed bill was issued for 63 days for consumption of 3335 units and after the change of the disputed meter, the same has been recorded as

3236 units in the corresponding period of successive year, which almost the same. Therefore, the contention of the petitioner that his bill of 3335 units for the period 26.06.2020 to 27.08.2020 is unjustified, has no merits as the bill is based on actual readings and accuracy of the meter has been found within limits as per ME Lab. On scrutinizing the DDL report, the readings of the meter recorded on 27.08.2020 matches with the readings recorded in DDL report. Further as per DDL, his MDI has been recorded as 7.08 KVA for the month of 06/2020 and 6.90 KVA for the month of 07/2020 which justifies the consumption of 3335 units recorded from 26.06.2020 to 27.08.2020. All these facts sufficiently justify that the bill of 3335 units for the period from 26.06.2020 to 27.08.2020 although disputed by the petitioner, is correct and recoverable.

Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, oral discussions made by Petitioner along with material brought on record. Forum is of the opinion that the bill dated 27.08.2020 for period from 26.06.2020 to 27.08.2020 for consumption of 3335 KWH amounting to Rs. 30530/- is justifiable and correct.

Keeping in view the above, Forum came to unanimous conclusion that the bill dated 27.08.2020 for period from 26.06.2020 to 27.08.2020, for consumption of 3335 KWH amounting to Rs. 30530/-, is correct and recoverable”.

- (iv) I have gone through the written submissions made by the Appellant in the Appeal/ Rejoinder, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 06.09.2022. It is observed by this Court that the billing of Appellant was done on the actual units of electricity consumed by her for the disputed period from 26.06.2020 to 27.08.2020. But, the Appellant challenged the working of the

meter on 23.12.2020. The disputed meter was replaced on 07.01.2021 vide MCO No. 100012000102 dated 23.12.2020 and it was sent to ME Lab for checking vide Challan No. 02 dated 02/2021 where it was found OK. The DDL of the disputed meter also did not show any jump in the reading. Also, the readings as per DDL are same as recorded by the Meter Reader.

- (v) This Court observes that even in the corresponding period of next year, the consumption of the Appellant was identical.
- (vi) From the above, it is concluded that since the Appellant was billed on the basis of actual consumption recorded on the meter, so the bill dated 27.08.2020 amounting to ₹ 30,530/- was correct and recoverable. This Court is not inclined to interfere with the order dated 28.07.2022 passed by the Corporate Forum in Case No. CF-029 of 2022.
- (vii) The other issue for the period from 22.06.2021 to 23.08.2021 for 62 days for consumption of 3236 units raised by the Appellant in the present Appeal was not part of the original case filed by the Appellant before the Divisional Level Dispute Settlement Committee. So the Appellant is estopped from raising this issue in the Appeal as the same was not raised

before the DLDC. However, the Appellant can file a fresh case in the Appropriate Forum in this regard.

- (viii) The issue regarding Commercial Circular No. 21/2022 raised by the Appellant in the Appeal was also not the part of original petition filed by the Appellant. So this Court cannot take this matter also at this stage. However, the PSPCL is at liberty to allow any relief, if applicable, to the Appellant in regard to the said Commercial Circular.

6. Decision

As a sequel of above discussions, the order dated 28.07.2022 of the Corporate CGRF, Ludhiana in Case No. CGP-391/21 (Old)/CF-029/2022 (New) of the Corporate Forum is hereby upheld.

7. The Appeal is disposed of accordingly.
8. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016, the Licensee will comply with the award/order within 21 days of the date of its receipt.
9. In case, the Appellant or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance

with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

September 06, 2022
S.A.S. Nagar (Mohali)

(GURINDER JIT SINGH)
Lokpal (Ombudsman)
Electricity, Punjab.

